



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★



Ohio Peace Officer Training Commission
Office 800-346-7682
Fax 740-845-2675

P.O. Box 309
London, OH 43140
www.OhioAttorneyGeneral.gov

OHIO PEACE OFFICER TRAINING COMMISSION MEETING

THURSDAY, MAY 17, 2012

HELD AT THE

OHIO PEACE OFFICER TRAINING ACADEMY

1650 STATE ROUTE 56 SW

LONDON, OHIO 43140

MINUTES

I. OPENING

A. CALL TO ORDER

Chairperson Vernon Stanforth called the meeting to order at 9:00 a.m.
Ms. Linda O'Connor led the Pledge of Allegiance.
Ms. Donna Long called the Roll.

COMMISSION MEMBERS PRESENT

Chairperson Vernon P. Stanforth
Sheriff Thomas G. Maurer
Mr. Stephen Schumaker
Colonel John Born
Chief Ronald Ferrell
Sergeant Troy Mineard
Ms. Linda O'Connor
Chief Paul Denton

B. WELCOME AND INTRODUCTION OF GUESTS AND STAFF

ATTORNEY GENERAL'S OFFICE

Jeff Clark

Attorney General's Office

GUESTS AND STAFF

Mr. Eric Landversicht	LPS Consultant ODE/CTE
Pete (Ellis) Willis	Sinclair Community College
Lt. Mike Crispen	OSP Academy
Mr. Robert Fiatal	OPOTC Executive Director
Ms. Donna Long	OPOTC Secretary
Ms. Alice Robinson-Bond	OPOTC Deputy Director
Mr. Lou Agosta	OPOTA Deputy Director
Mr. Aaron Coey	OPOTC Law Enforcement Training Officer
Ms. Sarah Thomas	OPOTC Law Enforcement Training Officer
Ms. Mary Davis	OPOTC Deputy Director
Ms. Arienne Fauber	OPOTC Staff
Ms. Jill Gregory	OPOTC Staff
Mr. Roger Le	OPOTC Staff
Ms. Kim Hahn	OPOTC Staff
Ms. Lori Rinehart	OPOTC Staff
Ms. Lori Wachtel	OPOTC Staff
Mr. Justin Hykes	OPOTC Staff
Mr. Scott Weimer	OPOTC Staff

II. CHAIRPERSON REPORT

Approval of Minutes

Chief Ronald Ferrell motioned that the minutes of the March 15, 2012, meeting be approved. Sheriff Thomas Maurer seconded the motion. A vote was taken and the motion passed favorably.

Chairperson Stanforth had nothing to report for the Chairperson report, but thanked the OPOTA Staff for all their work and dedication to the 2012 OPOTA Memorial Ceremony.

III. CURRICULUM COMMITTEE

Chief Paul Denton
Committee Chairperson

Chairperson Denton stated that the curriculum committee met this morning at 8:00 a.m. and had one item on the agenda for discussion; the Electronic Speed Measuring Device (ESMD) Certification as an addition to the basic peace officer training curriculum.

This comes out of the survey done with the JTA (Job Task Analysis) Survey which was conducted by this commission and staff earlier. Overwhelmingly throughout that survey we found support that the ESMD Certification should be included in the curriculum. However, the SME (Subject Matter Expert) at that level had some concerns and engaged in a spirited debate. Chairperson Denton then referred to Deputy Director, Mary Davis.

Ms. Davis stated the JTA specifically asked the new officers who had five or less years of experience and their immediate supervisors under traffic enforcement, if there was a need to use speed enforcement devices to measure vehicle speed and it gave the following examples:

1. [for traffic enforcement] Use speed enforcement devices to measure a vehicles speed [e.g., RADAR, LIDAR]
2. [for equipment use] Vehicle mounted speed measurement instrument [e.g., RADAR]
3. [for equipment use] Portable/handheld speed measurement instrument [e.g., RADAR/LIDAR]

The response of the survey confirmed the need for ESMD Certification to be included at the basic training level. The Law Enforcement Advisory Panel (LEAP) was used when the survey items were close as to whether they needed to be included or not – these items were brought to the panel. The ESMD clearly showed that it should be in the basic training curriculum. We did however; discuss the changes due to the large increase in the curriculum hours for the academies.

Currently, in speed enforcement we offer a five-hour course. There are instructions for the academy commanders that they can either include that additional thirty-five hours for the national electronic speed measuring device to be included in their academies or it appears that most are offered the course outside of class, paying an instructor to complete that forty-hour course.

The curriculum committee proposed changing our five-hour speed measurement course to the forty-hour NHTSA course for the basic curriculum. The plan we are looking at would have an eighteen-month implementation cycle so that we can work through any issues that the academies might have in implementing this. In addition, looking at the hours, we don't want to create a large addition to the curriculum. The plan is that if the ESMD Certification was to come into effect that we would be able to counter act that by removing some of the hours in different topics.

Chairperson Denton asked if there were any questions for Ms. Davis. Chairperson Denton went on to share some of the thoughts that came out of the curriculum meeting. There is concern as to how this might work in the private academies, open enrollment academies for example. The practicality as to whether the officers in the sixteen hour practical phase of course would be stopping violator's or practicing with the devices, the criticalness of being able to estimate speed visually due to a court ruling in the law and certainly the cost of the units, rentals, cars and all the concerns that were put on the table for our discussion this morning.

MOTION

Chief Denton recommended that the Electronic Speed Measuring Device (ESMD) Certification be added to the Basic Academy Curriculum. The motion was seconded by Sheriff Maurer.

Discussion: Mr. Fiatal reiterated the biggest expense that will be passed on to the open enrollment students will be the cost of instructors to cover the instructor to student ratio requirements. Ms. Thomas stated that she believed the ratio was four students to one instructor (4/1 ratio).

A vote was taken and passed favorably with all in favor of the motion and no votes against the motion.

That concluded the Curriculum Committee Report.

IV. LEGISLATIVE COMMITTEE

Troy Mineard
Committee Chairperson

Chairperson Mineard stated that the Governor will be signing a law, banning texting while driving, a secondary offense. This change will have to be addressed in our traffic laws. There has been some discussion about the casino money and how that is going to flow.

Chairperson Mineard called on Mr. Stephen Schumaker to bring the OPOTC up to date.

Mr. Schumaker stated that the recommendation for the CPT went through OPOTC then to the legislator and there were several oppositions to say the least. There are a number of amendments that are being proposed right now that we are being asked about our position on and requested to testify on. At last juncture, basically what went through this commission has been pulled from the legislation.

The Attorney General's intent is to put this money into OPOTA. To turn OPOTA into a tuition-free institution and to put OPOTA on the road with more regional training than presently offered. There are several discussions taking place and the outcome is yet to be determined. A lot depends on the expected incoming revenue.

Mr. Schumaker went on to say that this is a very important time in OPOTA history, where this academy and the way training is delivered to law enforcement in the State of Ohio could be revolutionized. He also stated that it is not the intent of the Attorney General to take away any money from OPOTA that is currently being funded. Everything would be spent in addition to and all money would go to training.

If CPT checks go out, OPOTA will continue to operate as they are currently. If it goes the other way, the changes in OPOTA and free training will be a historic event. Mr. Schumaker stated that the changes would affect the advanced training area only.

Mr. Schumaker went on to state that the constitution says that the money must go for additional law enforcement training opportunities. That is the key language. How much of the CPT money actually produces additional police training opportunities. Discussing with law enforcement agencies around the state, especially the medium and large agencies already offer in-service training then the CPT requires. So, does CPT create additional training opportunities?

Chairperson Mineard shared the pension reform that is currently going through; could impact a number of people who need to get into academies. Chairperson Mineard deferred to Mr. Schumaker.

Mr. Schumaker stated that the Senate passed through yesterday, the plans that the individual funds had been recommended. The House has indicated that they want to study the next study that has been commissioned by the legislature. That study is expected sometime in July 2012.

That concluded the Legislative Committee Report.

V. **HOUSE COMMITTEE**

Colonel John Born
Committee Chairperson

Colonel Born stated that there was nothing to report. That concluded the House Committee Report.

VI. **CONTINUING PROFESSIONAL TRAINING COMMITTEE**

Sheriff Thomas G. Maurer
Committee Chairperson

Chairperson Maurer stated that CPT has been on a fast and furious ride since we indoctrinated our policy and procedure. As Mr. Schumaker indicated it has lost speed as far as the four hours that we designated and moved along.

Mr. Schumaker stated that the recommendation for the CPT went through OPOTC, then to the legislature, and there were several oppositions to say the least. There are a number of amendments that are being proposed right now that we are being asked our position on and requested to testify on. At last juncture, basically what went through this commission has been pulled from the legislation.

If CPT checks go out, OPOTA will continue to operate as they are currently. If it goes the other way, the changes in OPOTA and free training will be a historical event. Mr. Schumaker stated that the changes would affect the advanced training area.

Mr. Schumaker went on to state that the constitution says the money must go for additional law enforcement training opportunities. That is the key language. How much of the CPT money actually produces additional police training opportunities. With the discussion with people around the state, many departments especially the medium and large agencies already offer in-service training then the CPT requires. So in theory, does the CPT create additional training opportunities?

Chairperson Maurer stated Director Fiatal, Mr. Schumaker, and the Attorney General and their staff have been tremendous as far as the attention to the casino money and also referring back to the CPT. You couldn't find a better group of people to represent law enforcement in Ohio then what these people have been doing.

That concluded the Continuing Professional Training Committee Report.

STAFF REPORT

VII. **COMMISSION AND ACADEMY UPDATES**

Executive Director Robert Fiatal

Mr. Fiatal gave a progress report on the Training Commission Firearms Programs. We have already made significant changes in our firearms qualification course and on January 1, 2013, these changes will be included in the basic training curriculum.

The working group has been looking at the shotgun qualification course and once it is approved by the committee, we will begin the shotgun lesson plan. If this is approved by the OPOTC, agencies will be given plenty of transition time to prepare for the change. The academies will have one year to implement the changes.

Using the same philosophy as we did with the semi-automatic pistol qualification course; we looked at the number of times the shotgun might be applied as far as the distance and the number of rounds. We also tried to fashion this so that it was a measurement of marksmanship, operation of equipment, as well as familiarization with the equipment; leaving the training to be done by the individual lesson plans or training regimen of that agency. A draft copy of the proposed curriculum was given to OPOTC Members for review of information only.

Mr. Fiatal stated that this was just a draft. The working group will be looking at it and testing it prior to making a recommendation to OPOTC. This was just to let the OPOTC see where the group was in the process and that we were proceeding.

Mr. Fiatal discussed the course equivalency issues at OPOTA. As requested from the OPOTC a master list was distributed to the OPOTC members. The list contains all the individuals who have been granted course equivalency in the last thirty years. There are no standards in the code for making the determinations. Most of those on the list are firearms and instructional skills instructors. The shotgun and pistol are the only two weapon systems in the basic academies. We have fashioned mandated updates for all those who have been identified as having course equivalency in the particular subjects.

There has been some concern regarding the cost with the larger agencies, such as Ohio State Highway Patrol and Columbus Police Department. We have scheduled to do those update training at their facilities within the calendar year. Those requirements will need to be met by July 1, 2013. The update pistol course ran this week at OPOTA. People are responding to the training and getting it completed. Outside the instructional skills updates, this is the only update for course equivalency to be done.

Mr. Fiatal addressed new applications for course equivalency. The OPOTC set a new standard due to the number of people with course equivalencies. We will be limiting the new applications for only agency instructors that will be instructing in their own agencies such as OSP and Columbus.

We followed the advice of the OPOTC by denying several applications. We will delete any deceased officers. Any officer who has been revoked as an instructor and/or commander will also have their course equivalency instructor certification revoked, with the approval of the OPOTC.

Mr. Fiatal stated that with the attention of the OPOTC on these issues and the efforts we have put in place right now, as the Executive Director he is much more comfortable with the course equivalency procedure protocol. If the OPOTC does choose to codify this, we are going to have Appellate Rights for all these. Does the OPOTC want to take on the task of listening to denials for these course equivalencies? That is a decision for the OPOTC on how to proceed.

If it was to be codified, it would take more staff to track the course equivalencies. Mr. Fiatal will wait for direction from OPOTC on the matter.

Chief Ferrell asked if the new course equivalency applicants were being told that there is a new obligation in the future to attend update training. Mr. Fiatal replied that the only ones being approved are the agencies. It will be up to the executive director as approved by the OPOTC. Chief Ferrell stressed the need to let them know about future update training. Mr. Fiatal responded that without the resources it would be difficult, it comes to a choice when updates are required as to whether they choose to attend or lapse.

Mr. Fiatal discussed the Prior Equivalency Determinations. We receive a lot of prior equivalency request. Each one is evaluated individually. Most come from out of state. Ms. Gregory stated that we process about 25 determinations that actually go through the complete process. Mr. Fiatal stated that the issues with most of these are that people are unhappy with the determinations.

Mr. Fiatal spoke of an OPOTC Prior Equivalent Training Matrix; if they meet certain standards or fall into our current code provision. Mr. Fiatal shared the information stating that if people are unsatisfied with this, they do have a right to appeal this to the OPOTC. If an Ohio officer has a four year break in service he has to go back to school, we can consider his previous peace officer training commission directive training for that. That is statutory, but can be changed. But essentially, for someone to be eligible to apply this Matrix, the applicant must be:

1. Be appointed as a peace officer by an Ohio Law Enforcement Agency (the current statute states)
2. Must provide officer documentation showing proof of successful completion of a peace officer basic program in a state other than Ohio.
3. Must provide an officer documentation showing proof of five (5) years as full years of employment as a peace officer.
4. Must be employed as such within the last four years. (To meet our current four year break for Ohio officers)
5. Must submit a required national web check.

If meets Matrix requirements the applicant must:

1. Complete the following training in one OPOTC approved basic peace officer training school;
 - a. Legal 2-2-A thru O (ORC)
 - b. Legal 2-3 (Laws of Arrest which includes felony/misdemeanor jurisdiction)
 - c. Human Relations 3-3 (DV-mandate)
 - d. Human Relations 3-4 (Crisis Intervention-mandate)
 - e. Human Relations 3-5 (Child Abuse and Neglect-mandate)
 - f. Human Relations 3-6 (Missing Children Investigation-mandate)
 - g. Human Relations 3-11 (Missing Persons-mandate)

There is also a chance they may add Human Trafficking to the statutory mandated curriculum.

If the applicant meets our Matrix standards, they would have the option to take the courses through e-OPOTA. If the applicant chooses to take the e-OPOTA courses it would be a total of 36 hours of classroom time.

2. Successfully pass the comprehensive (all topics) peace officer written examination within two attempts.

Mr. Fiatal stressed that the OPOTC needed the knowledge of this. Some people won't meet the Matrix standard and they will want equal treatment. We are trying to do this reasonably to avoid the people who are coming across from other states with very little experience and sometimes part-time.

Chief Ferrell stated that if an applicant is currently working in another state and they come to Ohio, the Matrix makes a lot of sense. But, what if they've had a break in service? Mr. Fiatal stated that they don't apply to the Matrix and didn't meet the qualifications for it. They would have to have a traditional determination. We want to try this and see how this is going to work.

Mr. Fiatal pointed out that the OPOTC Commanders Conferences for Private Security and Basic Peace Officer will be held on May 21, 2012 at our OPOTA Richfield Campus and on May 22, 2012 at the OPOTA London Campus.

Mr. Pete Willis, Sinclair Community College asked if the e-OPOTA courses would be available for the Basic Refresher Courses. Mr. Fiatal responded that it takes \$25,000.00 to develop an hour on e-OPOTA. The refresher courses haven't been created and at this time we don't have the resources.

Mr. Fiatal explained that if you are an open enrollment graduate, you have between one and two years to get your appointment. If you get appointed in less than a year you are alright, but if it's between one and two years, you have to come back for a 16-hour refresher course before you can actually be a peace officer. If you're an appointed officer, and you have a break between one and four years, then you have to get the refresher within a year of your appointment.

That concluded the staff report.

VIII. OLD BUSINESS

Chairperson Vernon P. Stanforth

There was no old business to report.

IX. NEW BUSINESS

Chairperson Vernon P. Stanforth

Ms. O'Connor, Department of Education thanked OPOTA again this year for their assistance in the SKILLS USA Program. The Criminal Justice took the Gold two years in a row nationally and looking forward to doing so again this June in Kansas. Ms. O'Connor also thanked Ms. Mary Broyles for her help in rewriting the standards. Ms. Broyles is doing an excellent job. They are trying to keep up with everything that the OPOTC is doing.

There will be a featured panel held at the Worthington School Board May 23, 2012 for the industry to speak to the standards. You are invited to attend that event which Mr. Eric Landversicht, Ohio Department of Education will be fascinating for us.

The School Safety Summit will be on July 24, 2012 at the Quest Center (Polaris) in Columbus beginning at 8:00 a.m. The Governor of Ohio will be kicking that off, the Attorney General Mike DeWine and Mr. Fiatal will be speakers. The focus this year will be on Preparedness, Recovery and the Emergency Partners locally. The school board is working to get a collection of law enforcement speakers. There will be a "request to present" form sent out to the school districts, who will be speaking with local Sheriff's Office who should be a team to join the summit. The purpose is for the schools that did not get their safety plans into the Attorney General's office is to make sure that they do get those turned in and that the information is update. The OPOTC members were invited to attend the event.

Mr. Fiatal also announced that the 2012 Attorney General's Law Enforcement Conference will be held on October 25-26, 2012 at the Hyatt in Columbus. There will be a workshop presented by Chief Tim McKenna, Chardon Police Department as well as others who worked on that case. The workshop will be a case study on the Chardon School Shooting Response.

Mr. Fiatal thanked the Chiefs who are giving up their officers to help us develop a Tactics for 1-3 people response action procedures. They meet the end of May and plan on doing the training free regionally. Our obligation is to train the officers to respond.

Sheriff Maurer asked about having an OPOTC meeting at the OPOTA Richfield Campus. It was suggested that we meet at OPOTA-Richfield for the September 20, 2012 meeting. Chairperson Stanforth also questioned returning the start time of the OPOTC meeting back to 10:00 a.m. This allowed more time for the meetings taking place prior to the OPOTC meeting and also allowed for traveling from long distance. Mr. Fiatal stated that we would have to check the schedule at Richfield for room availability.

MOTION

Chief Ferrell made the motion to change the OPOTC meeting start time to 10:00 a.m. The motion was seconded by Sheriff Maurer. No discussion was forth coming and the vote passed favorably.

Chief Ferrell asked if it would be beneficial to move the scheduled hearing on July 19th up to the first part of the OPOTC meeting. Mr. Clark stated that the issue is that we don't know how long or short the hearing could be. Scheduling the hearing first poses the risk that if the hearing itself goes long; you may lose a quorum of the OPOTC.

Chief Ferrell questioned if there was a time limit to the extensions. Mr. Fiatal replied that it was at the executive director's digression. Chief Ferrell question if the appeal it could go past a year? Mr. Fiatal asked for the direction of OPOTC legal counsel Mr. Clark. Mr. Clark responded that it might be worth discussing and looking into if it goes any further than this. Mr. Fiatal stated that our initial determination was in July 2011.

Sheriff Maurer stated that unless there are medical concerns, we should move to the three strikes you're out for the appeals process. Chief Ferrell stated he still had the appeal process.

Sheriff Maurer stated that was fine, but let him appeal it at the end. Mr. Fiatal stated that this is a very sensitive issue, and we don't want to be looked at as not giving the individual fair consideration. Mr. Schumaker stated that Mr. Fiatal needed to be permitted to exercise his discretion to keep the record clean.

Colonel Born asked Mr. Clark what is the OPOTC authority or role in the hearing. Mr. Clark responded that in a Chapter 119 Hearing, the agency acts as an adjudicatory board. This is a dispute between the applicant and the executive director who is the decision maker. So the OPOTC is acting as the court, and whatever discussion is made by the OPOTC can be appealed to the Common Pleas Court by the applicant and that decision can be appealed as well. So, there is a long chain of options that start with this appeal of the executive director's decision.

Colonel Born asked for clarity, usually we are an advisory group; in this case we are the judicial. Sheriff Maurer asked if the appeals court in Franklin County or in another county of the applicant. Chairperson Stanforth stated that it could be either or. Mr. Clark agreed with that statement. It could be Madison, Franklin or Hamilton County.

Chairperson Stanforth stated that the next OPOTC meeting would be at 10:00 a.m. at OPOTA-London Campus. Chairperson Stanforth asked if the year applies. Ms. Gregory replied that the applicant has one year to complete the training that was assigned; after that the evaluation is no longer valid. Mr. Fiatal stated that the applicant has completed the training; he just hasn't taken the examination. Mr. Fiatal explained that the test has 200 multiple choice questions and applicant must pass with 70% or higher score.

Mr. Fiatal stated that his legal advisors have said that he cannot dispense with the test; can the OPOTC dispense with the test, Mr. Fiatal directed that question to Mr. Clark. Mr. Clark stated that the OPOTC in essence cannot directly violate the state law.

Chief Ferrell stated that the situation is better than it has been in the past. Thirty hours is very reasonable and that the test is an insurance policy. Chief Ferrell stated that the calls he has received, which have been several have all stated the same thing; we certify peace officers.

Chief Ferrell thanked the OPOTA staff for a great job at the Ohio Peace Officer Training Memorial Ceremony. It was something to be proud of. He also thanked Mr. Fiatal for attending the Mason Police Officer Memory Ceremony.

That concluded the new business report.

X. GUEST FORUM

Chairperson Vernon P. Stanforth

Chairperson Stanforth opened the meeting to public comments and/or concerns.

XII. MOTION TO ADJOURN

Chief Denton motioned to adjourn the meeting. Sgt. Troy Mineard seconded the motion. All were in favor. Meeting adjourned.

Time: 10:20 a.m.

Leroy P. Spence
Chairperson

These transcripts are not verbatim. Audio recordings are available upon request.